IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12682 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GOPABHAI PUNJABHAI DHANKA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 12682 of 2004

MR MK VAKHARIA for Petitioner No. 1-2

..... for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 04/11/2004

ORAL JUDGEMENT

#. Rule. Mr.Dipen Desai, learned AGP is directed to accept the notice of rule on behalf of the respondents,

as, on advance copy being served, Mr.Desai has already got the instruction from the department.

#. With the consent of the learned advocates for the respective parties, the matter is taken up for final hearing today.

#. In this petition filed under Article 226 of the Constitution of India, the petitioners have challenged the legality and validity of the order passed by the Education Department of the State Government dated 12.8.2004 in not granting No Objection Certificate to the petitioners to start B.Ed college at Dahod, District Dahod.

#. From the order dated 12.8.2004, it emerges that certain documents were not produced before the State Government such as particulars with regard to the building owned by the trust, documents showing the financial condition of the trust etc. and that recognition / approval of S.N.D.T. University, Mumbai.

#. Mr.M.K.Vakharia, learned advocate appearing on behalf of the petitioners, has submitted that the petitioner trust is having all documentary evidences to meet with the objections raised by the State Government in its order dated 12.8.2004 and that the petitioners are ready and willing to submit necessary documents before the State Government. He submitted that necessary documents to fulfill and meet with the objections which are stated in the order dated 12.8.2004 will be submitted before the State Government within a period of one month from today and on receipt of the same, the State Government is directed to consider the same on its own merits and in accordance with law and shall reconsider its decision dated 12.8.2004. However, it is made clear that if no objection is issued, it will be for the academic year 2005-2006. The respondents are directed to take appropriate decision within a period of two months from the date of receipt of the application / supply of necessary documents, as stated above.

Rule is made absolute to the aforesaid extent with no order as to costs.

Direct service is permitted.

(M.R.Shah,J)

(pathan)